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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/891,200

06/26/2001

Eugene S. Smotkin

491712000100

9382

25225 7590 07/19/2010

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

EXAMINER

ALEJANDRO, RAYMOND

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

07/19/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09891200	6/26/2001	SMOTKIN, EUGENE S.	491712000100

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EXAMINER

Raymond Alejandro

ART UNIT	PAPER
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1795	20100713
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DATE MAILED:

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Commissioner for Patents

In response to the Decision on Request for Rehearing dated 04/29/10, please note that MPEP 1214.06 Examiner Sustained in Whole or in Part clearly establishes that: if the Board or court affirms a rejection against an independent claim and reverses all rejections against a claim dependent thereon, after expiration of the period for further appeal, the examiner should proceed in one of two ways: (1) convert the dependent claim into independent form by examiner's amendment, cancel all claims in which the rejection was affirmed, and issue the application; or (2) Set a 1-MONTH time limit in which appellant may RE-WRITE the DEPENDENT CLAIM(s) in independent form. Extensions of time under 37 CFR 1.136(a) will not be permitted. If no timely reply is received, the examiner will cancel all rejected and objected to claims and issue the application with the allowed claims only. However, there are no allowed claims in the instant application.

It is respectfully reminded that applicant is entitled to re-write or convert into independent form only those dependent claim(s) containing subject matter for which its rejection has been reversed. Applicant is NOT entitled to maintain subject matter recited in a rejection(s) affirmed by the BPAI (i.e. thus, subject matter of reversed dependent claims must be cancelled).

Pursuant to the above, applicant is given a ONE MONTH TIME PERIOD from the mailing date of this letter in which to present the dependent claim(s) in independent form to avoid ABANDONMENT of the application. NO EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) WILL BE GRANTED. Prosecution is otherwise closed.

/Raymond Alejandro/
Primary Examiner, Art Unit 1795